

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAMEN D. RABB,

Plaintiff,

v.

ESTEVEN FIGUEROA, et al.,

Defendants.

No. 1:23-cv-00843-JLT-SAB (PC)

ORDER DENYING PLAINTIFF’S MOTION
TO HOLD CIVIL COMPLAINT IN
ABEYANCE

(ECF No. 84)

Plaintiff is appearing pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff’s motion to hold the civil complaint in abeyance, filed October 18, 2024. Plaintiff submits that his “life is in immediate danger, and any movement without an escort shall result in my being harmed by members of the inmate class.” (ECF No. 84 at 1.) Plaintiff further contends that Kern Valley State Prison (KVSP) refuses to provide an escort “per policy” on October 21, 2024, to attend his deposition. (*Id.*)

While the court takes seriously Plaintiff’s safety concerns, Plaintiff is not entitled to dictate his housing assignments. *See Olim v. Wakinekona*, 461 U.S. 238, 245 (1983); *Meachum v. Fano*, 427 U.S. 215, 225 (1976); *Montayne v. Haymes*, 427 U.S. 236, 242 (1976) (It is well settled that prisoners have no constitutional right to placement in any particular prison, to any particular security classification, or to any particular housing assignment.). Although Plaintiff

1 may be subject to a transfer and housed in a security housing unit, there is simply no showing that
2 his safety is at jeopardy or that prison officials will not ensure his safety in order to attend his
3 deposition. Indeed, it is improper for the court to second guess the decisions of prison officials
4 regarding the day-to-day operation of prisons. See Whitley v. Albers, 475 U.S. 312, 322 (1986)
5 (quoting Bell v. Wolfish, 441 U.S. 520, 547 (1979) (Prison officials are entitled to “ ‘wide-
6 ranging deference in the adoption and execution of policies and practices that in their judgment
7 are needed to preserve internal order and discipline and to maintain institutional security.’ ”).
8 Further, the documentation attached to Plaintiff’s motion demonstrates that prison officials at
9 KVSP are aware of Plaintiff’s safety concerns and is taking appropriate measures to ensure
10 Plaintiff’s safety. (ECF No. 84 at 3.) Accordingly, Plaintiff’s motion for abeyance is DENIED.

11 IT IS SO ORDERED.

12
13 Dated: **October 21, 2024**


UNITED STATES MAGISTRATE JUDGE